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Page 76

1 decision on leaving; that finalized it,
2 because I was no longer going to put up
3 with that.

4 Q. Anything else that you
5 allegedly heard from Terry Gandy or Kenny
6 Reese?

7 A. Allegedly heard like what?
8 What do you mean?

9 Q. Regarding the terminations of
10 these individuals.

11 A. No. No.

12 Q. What about anything else
13 regarding their race or anything of that
14 sort by Terry Gandy or Kenny Reese?

15 A. I heard Terry Gandy make that
16 statement, we're finally getting ready of
17 the two black troublemakers in appliances.
18 That's the only thing I have ever heard
19 Terry say.

20 Q. Did you report it to anybody?

21 A. Who me?

22 Q. Did you report it to anybody?

23 A. Yeah. I stated that to Stacy

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 77

1 Dumas. I had made her aware of that.

2 Q. When did you tell her that?

3 A. That was before I left Sears.

4 Q. Did you report it to anybody
5 else?

6 A. No. But I should have.

7 I also, before I left Sears, had
8 mentioned to Stacy Dumas, Denise Smith,
9 and Beatrice Willis that I was leaving and
10 that I was going to go and see an attorney
11 and try to start a class action lawsuit on
12 discrimination against Kenny Reese and
13 Terry Gandy because it was in the
14 atmosphere.

15 Q. We're going to get to that in
16 just a minute.

17 Now, you allege in your affidavit
18 that Byron Mason once told you that he
19 felt Kenny Reese and Carolyn Landers were
20 watching him; is that right?

21 A. He felt that Kenny Reese had
22 Carolyn Landers watching him when they
23 worked the same shift.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 78

1 Q. And when did he tell you that?

2 A. It was before I left. I know
3 it had to be in September.

4 Q. 2004?

5 A. Yes.

6 Q. And was anybody else standing
7 there when he said --

8 A. No.

9 Q. He just said this to you?

10 A. Yes.

11 And because we were black, we needed
12 to watch each other's back.

13 Q. Did he say anything else to
14 you at that point?

15 A. No.

16 Q. Was that the only comment like
17 that that Byron made to you?

18 A. Yes. Because I wasn't there
19 long afterwards.

20 Do you actually think I would have
21 wanted to leave my job? I took over half
22 a cut in pay. I couldn't hardly eat and
23 stayed sick. When I would go to my

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 79

1 doctor, he would ask me if I was still
2 working at Sears, because I would comment
3 how tired I was of that place and the
4 store manager; I could no longer deal with
5 it.

6 Q. Now, you also state that Kenny
7 Reese was wanting to place certain white
8 employees into a particular department.
9 Is that -- Who are you referring to in
10 that respect?

11 A. Kenny Reese -- When the hub
12 office and human resource went into a
13 merge, Kenny Reese placed Barbara McDonald
14 into my department, which is a white
15 female, didn't mention nothing about Betty
16 Graham and Rosie Jackson.

17 Q. Now, do you know what
18 Ms. McDonald's qualifications were?

19 A. She used to be in in-store
20 marketing.

21 Q. Do you know what her
22 qualifications were? Did you see her
23 resume'?

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 80

1 A. No, I didn't. And didn't need
2 to because I didn't hire Barbara McDonald.
3 But if I had the opportunity --

4 Q. Mrs. Bryant, let me finish
5 please.

6 Do you know what Ms. Graham's and
7 Ms. Jackson's qualifications were?

8 A. No, I don't.

9 But low and behold on that, Betty
10 Graham is back at Sears now doing the same
11 work, but she just part-time that she was
12 doing when Kenny Reese was there and did
13 not try to place her in another area of
14 the store.

15 Q. Do you know who made that
16 decision?

17 A. Made what decision?

18 Q. To place Barbara McDonald
19 there?

20 A. Kenny Reese made that
21 decision.

22 Q. Did he discuss it with you?

23 A. He discussed it with me. But

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 81

1 he's the store manager, so what was I
2 supposed to do, say I didn't want it?

3 Q. Did he tell you the reasons he
4 was --

5 A. No, he did not. No, he did
6 not.

7 Q. So he never said I'm placing
8 her there because she's white?

9 A. No, he did not.

10 Q. Did he ever indicate to you
11 that he felt that Ms. McDonald was not
12 qualified to do that job?

13 A. No, he did not.

14 Q. How often did you interact
15 with Kenny Reese?

16 A. How often?

17 Q. Yes.

18 A. I didn't interact much with
19 Kenny Reese at all.

20 Q. So you weren't around him a
21 lot; is that correct?

22 A. I was around him. Yes, I was
23 around him; I worked for him, of course I

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 82

1 was going to be around him. But, when
2 Barbara McDonald came to my team, he would
3 page Barbara McDonald to make sure things
4 was done, and I would be present in the
5 store, and I was the supervisor. I was
6 Barbara's supervisor.

7 Q. What I'm asking you is how
8 much did you see him during the day on a
9 daily basis? How much time did you spend
10 with him?

11 A. Didn't spend a whole lot of
12 time.

13 Q. Just in passing maybe; is that
14 right?

15 A. In passing.

16 Q. Okay.

17 A. He rarely wanted to speak.

18 Q. Do you know if he spoke to
19 other white associates?

20 A. Yes. I know he spoke to
21 Crystal Young.

22 Q. Do you know if he spoke to any
23 of the other white associates?

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 83

1 A. No. Because I wasn't tucked
2 behind his trail. I didn't follow him, I
3 had a job to do.

4 Q. Do you know if he spoke to
5 certain black associates?

6 A. I didn't see him speak to any
7 black associates. Especially when they
8 was in my surroundings. He would walk
9 past us.

10 Q. Do you know if he got along
11 with Jackie Dodson?

12 A. No, I don't. I don't know
13 whether he got along with Jackie Dodson or
14 not.

15 Q. Do you know if he got along
16 with Byron Mason?

17 A. Him and Byron went to lunch
18 together. But like I said, if Byron had
19 been the timecard lead or just a regular
20 associate, he would not have went to
21 lunch. And not only that, with Jackie
22 Dodson, she wasn't vocal.

23 Q. Did you -- Do you know if he

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 84

1 ever talked to Stacy Dumas?

2 A. Well, at one point, I know
3 that him and Stacy -- Stacy was MCA lead
4 for Byron after I had went to in-store
5 marketing. I don't think him and Stacy
6 Dumas got along very well.

7 Q. Do you know if he talked to
8 her at all?

9 A. No.

10 Q. Do you know if he associated
11 with her or not?

12 A. I don't know if he associated
13 with her, unless he did after I left
14 Sears. But before then, I didn't see her
15 going to lunch with him. But I wasn't
16 there every day either.

17 Q. Now, you said that he would
18 page Barbara McDonald?

19 A. Yes.

20 Q. Is that right?

21 A. Exactly.

22 Q. She worked in your department?

23 A. In my area. I was her

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 85

1 supervisor.

2 Q. And what did she do exactly?

3 A. He would page her to --

4 Q. What did Ms. McDonald do?

5 A. She was a in-store marketing
6 associate. She worked for me.

7 Q. What would he page her to do?

8 A. He would page her and ask her
9 to change a presentation or to check and
10 see if something was done. And a lot of
11 times I would be in the store when he
12 would even page her over the intercom to
13 come to his office. And then when she
14 would come out, I would ask her what did
15 he want.

16 Q. Is that not part of her job to
17 do that?

18 A. Yeah, it was her job. But I'm
19 the supervisor, if he wanted something
20 changed, I had more knowledge on the
21 presentation and zone-a-gram book. He
22 should have gotten with me to see if that
23 was okay to change or if I was in

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 86

1 agreement with him. But he didn't want to
2 talk to me.

3 Q. So you disapproved of him
4 going straight to the sales associate
5 rather than coming --

6 A. To make a change, because I'm
7 the supervisor. I'm his supervisor. She
8 was my associate.

9 Q. Did he ever tell you that he
10 was doing that because you were black and
11 she was white?

12 A. No, he didn't.

13 But he wouldn't tell me because I'm
14 black and they white. Anybody in their
15 right mind wouldn't do a black/white
16 thing, wouldn't say it, wouldn't speak it,
17 black and white. He know that would have
18 been against the law right then.

19 Q. Now, what was your reason for
20 resigning from Sears?

21 A. Because I could no longer take
22 the discriminatory atmosphere that we was
23 in.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 87

1 Q. Have you -- what you consider
2 to be the discriminatory atmosphere what
3 you describe in your affidavit; is that
4 right?

5 A. No. Kenny would pass by --

6 Q. I'm asking you, is it what you
7 have in your affidavit? Do you talk about
8 it in your affidavit?

9 A. Yeah. Some of it I'm talking
10 about in my affidavit.

11 Q. Some of it?

12 Is there anything else in your
13 affidavit that you refer to this
14 discriminatory atmosphere that you don't
15 mention?

16 A. Excuse me?

17 Q. Is there anything that you are
18 referring to --

19 A. Yeah. What I mentioned to you
20 early, because I was black and vocal he
21 threatened to write me up about my
22 attitude. He figured if I was there at
23 Sears and stayed at Sears and if I

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 88

1 questioned anything or disagreed with
2 anything, he was going to fire me because
3 he was going to blame it on my attitude.

4 Q. Okay. And you're assuming
5 that that had to do with your race; is
6 that right?

7 A. Exactly. Exactly.

8 Q. But he never told you that; is
9 that right?

10 A. Well, he wouldn't tell me
11 that.

12 Q. Right. But you're assuming
13 that; is that right?

14 A. He wouldn't tell me that.

15 Q. Anything else that -- When you
16 would say being around the discrimination
17 atmosphere of Kenny Reese and Terry Gandy
18 in your affidavit, is there anything else
19 that's not included in there that you can
20 think of?

21 A. That I can think of at this
22 time, there's nothing else at this time.

23 Q. So we've covered or talked

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 89

1 about either today or it's in your
2 affidavit as to what you think constituted
3 the discriminatory atmosphere; is that
4 right?

5 A. Yes.

6 Q. Did you complain about it to
7 anyone?

8 A. Well, you want to know mostly
9 who all I complained about it to was my
10 husband. And when I left Sears and
11 started my other job, my oldest daughter
12 asked me if I enjoyed the job I was doing
13 now. And I said, yes and she said why;
14 she said, I can tell, Mama. My husband
15 said he didn't have to --

16 Q. Did you complain to anybody at
17 Sears?

18 A. No. Other than what I told
19 you I complained.

20 Q. Other than just your remark --

21 A. Yes, my remarks, that's all.

22 Q. Your remark to --

23 A. My husband is who I --

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 90

1 Q. -- Reese that you thought it
2 was because you were black; is that right?

3 A. Exactly.

4 Q. Okay.

5 My house is so peaceful, my husband
6 and my kids are so much happier because
7 I'm not under that now, and they don't
8 have to listen to me talk about it.

9 It was ridiculous the way Kenny
10 Reese came down there and ran Sears'
11 Auburn store, just ran it down to the
12 ground.

13 Q. Did you ever hear anyone in
14 management instruct the sales associates
15 to give out discounts even if the customer
16 wasn't eligible for them?

17 A. No, I didn't hear management.
18 But like I say, Terry Gandy was a loss
19 prevention manager and when --

20 Q. Did you hear anybody say that,
21 Mrs. Bryant, is all I'm asking you.

22 A. No. But you don't have to
23 hear it when you can see it. When you can

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 91

1 see exactly what's going on, you don't
2 have to hear nobody say that. Because
3 when Stephanie Darby rung up Terry Gandy's
4 sales on two separate transactions for a
5 thirty-dollar coupon, why not do it on
6 just one transaction? All of it was over
7 in the same department. And he did not
8 stop her from taking that coupon out of
9 the drawer to use for him. That's saying
10 go ahead and use coupons.

11 Q. And you don't know what the
12 terms of that coupon were?

13 A. It doesn't matter, Terry
14 didn't bring it in.

15 Q. I'm asking you do you know
16 what the terms of --

17 A. I don't know what the term of
18 it was. But it didn't matter because
19 management used it. It was a
20 thirty-dollar coupon.

21 Q. Do you know what kind of
22 coupon it was?

23 A. A thirty-dollar coupon.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 92

1 Q. But do you know what it was
2 supposed to be applied to?

3 A. No, I don't.

4 Q. Do you know if it had -- if
5 the expiration on it was invalid -- the
6 expiration date was not valid on it?

7 A. If it's going to be -- if a
8 expiration date is on there, when she
9 scans it, it will pop up and say invalid.

10 Q. I'm asking you, Mrs. Bryant,
11 do you know if --

12 A. No, I don't no.

13 Q. -- when the expiration --

14 A. No, because I didn't look at
15 it. I just know she pulled it out of the
16 drawer and she used it on two separate
17 transactions. So you can tell now they
18 was doing something that was not ethical
19 because he would have rung all of it on
20 one. Transaction, and he was purchasing
21 those for his family, his parents, his mom
22 and dad, because he told me that they was
23 buying a house in Phenix City, Alabama.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 93

1 Okay. Another thing, if you want to
2 talk about Sears corporate policy, you
3 cannot purchase merchandise unless that
4 person -- and get a discount unless that
5 person was your dependent. And I'm sure
6 his mom and dad wasn't his dependent.

7 Q. Do you know if he was giving
8 it to them as a gift?

9 A. No. No, I don't.

10 Q. Now, did you ever work as --
11 You said you worked as a sales associate;
12 is that right?

13 A. I didn't work -- I was a home
14 improvement sales manager and a soft line
15 sales manager.

16 Q. Did you ever sell anything?

17 A. I would help my -- Yeah, I
18 would. I would go and talk to customers.

19 Q. I didn't mean that to be
20 offensive, I was just asking if that
21 was --

22 A. I would talk to the customer.
23 If my sales associates were tied up with

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 94

1 other customers, I would talk to the
2 customer and see what they want, and then
3 I would turn them over to one of my sales
4 associates.

5 Because they had more knowledge than
6 I did.

7 Q. Now, do you know -- It's my
8 understanding that there are a variety of
9 registers in each sales area; is that
10 right?

11 A. Yes, it is.

12 Q. Do you know when they last
13 upgraded those registers?

14 A. No, I don't.

15 I can't recall when they last
16 upgraded the registers.

17 Q. Do you know if the sales
18 associates printed off the journal tapes
19 and handed them into the cash office in
20 October of 2004?

21 A. Do I know?

22 Q. Yeah.

23 A. No. I can't say that, that I

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 95

1 know.

2 Q. You don't have any idea if
3 they're printing off the journal tapes and
4 handing them in; is that right?

5 A. No. But policy, they're
6 supposed to do that, but that wasn't going
7 on.

8 Q. Were you in the hub office at
9 that time?

10 A. No.

11 Q. Were you in charge of setting
12 the policies for that?

13 A. No. But it should be -- It's
14 corporate policy.

15 Q. Could they have changed and
16 you not have been aware of it; is that
17 right?

18 A. It wasn't changed. It wasn't
19 -- well --

20 Q. Were you working on the sales
21 floor?

22 A. Yes. I was the sales manager
23 of home improvement --

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 96

1 Q. In 2004, were you working on
2 the sales floor?

3 A. Yes, I was. Because I was
4 in-store marketing, and I was all over the
5 store.

6 Q. Were you making sales on the
7 floor?

8 A. No, I wasn't.

9 And another thing, I was a closing
10 manager, and at night they would have to
11 turn detail in, and those associates did
12 not turn -- on the nights that I worked,
13 they did not turn in detail. The only
14 time they would turn in a detail journal,
15 if they had a problem with a void and
16 their register was going to be short.

17 So, no, on the nights that I worked,
18 they did not turn in journal tape.

19 And then not only that, why turn in
20 a journal tape when you can go into the
21 computer and do a sales extraction to get
22 what you need?

23 Q. What do you mean a sales

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 97

1 extraction?

2 A. Pull up sales.

3 Q. Do you know if those had the
4 journal tapes attached?

5 A. Didn't have the journal tape.
6 But it had the store number, which would
7 have been 02595, the register number, and
8 the transaction number, the associate who
9 rung the sale or supposedly had rung the
10 sale, because a lot of times they were
11 ringing other associates sales numbers.

12 Q. Now, the journal tapes, those
13 actually have the bar code that
14 corresponds to the coupon on them, do you
15 know that?

16 A. The bar code number.

17 Q. Correct.

18 A. Yes, the bar code number.

19 Q. But that bar code number is
20 not on these other printouts you're
21 referring to; is that right?

22 A. No, it was not. But they have
23 a way that show how much a coupon was that

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 98

1 was taken off or reduction -- that would
2 show a reduction, so you know it would
3 have to be a coupon.

4 Q. It shows the total reduction;
5 is that correct?

6 A. No. It will show -- If it's a
7 thirty-dollar coupon, it will show on
8 there thirty dollars minus.

9 Q. Just to make sure we're
10 talking about the same thing, let me --
11 I'm not going to introduce this as an
12 exhibit, I'm just going to give this as an
13 example.

14 This is entitled an associate
15 summary (indicating). Is that what you're
16 speaking of?

17 A. Yes.

18 Q. And right there is the
19 reduction amount; is that right?

20 A. Yes, this is a reduction
21 amount. And it may have been a ten
22 percent.

23 Q. Do you know if it's a total

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 99

1 reduction amount or if that's --

2 A. Give me one, I can show you a
3 coupon, whether it was a coupon. That
4 wasn't a coupon because we don't have a
5 two hundred and twenty-eight dollar
6 coupon.

7 Q. But it gives the total
8 reduction amount; is that right??

9 A. Yeah. But give me another one
10 and I can tell you whether it's a coupon
11 or not. I'll guarantee you that.

12 And everybody -- Management was
13 aware of whether it was a coupon or not,
14 whether looking at the journal tape or
15 not.

16 Q. Okay. But is --

17 A. That's --

18 Q. That's the total reduction
19 amount.

20 A. Exactly. That's a total
21 reduction amount. If you're using
22 coupons, that means that person used more
23 than one coupon on that transaction right

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 100

1 there, because there was not a two hundred
2 and twenty-eight dollar coupon. So if
3 they didn't have --

4 Q. I guess what I'm getting at
5 is, what that shows is the reduction is
6 done for that particular transaction; is
7 that correct?

8 A. Yeah. And it's showing that
9 they're using more markdowns and discounts
10 to get up to two hundred and twenty-eight
11 dollars.

12 Q. Are you aware of anything else
13 that shows the bar code number besides the
14 journal tape?

15 A. No.

16 MS. HEMSTREET: If you want to
17 give me just a minute, Robin. I don't
18 know if you have any questions for
19 Mrs. Bryant.

20 MR. MCINTYRE: Yeah. I have a
21 few. Or do you want a minute or two?

22 MS. HEMSTREET: No. You go
23 ahead, and I'll mull it over while you go.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 101

1 EXAMINATION

2 BY MR. MCINTYRE:

3 Q. I know you said you went
4 through a training there for management,
5 and we just had a discussion about the
6 lady that he -- Kenny Reese put in your --
7 in your team, and then he would discuss it
8 with her. What was her name?

9 A. Barbara McDonald.

10 Q. Okay. Now, but in your
11 training for management, did they explain
12 anything about an expected chain of
13 command or how they would expect normally
14 the managers will relate to each other?

15 Was there -- Did you get any
16 training or anything about that?

17 A. About how management would
18 relate --

19 Q. Such as what -- You were
20 saying that he should have come to you.

21 A. Right.

22 Q. Was there any training that
23 you received, you know, management or any

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 102

1 explanation of policy, of Sears policy, or
2 anything that would indicate how the
3 general store manager would relate to any
4 given management team?

5 A. Under previous store managers
6 that I worked under, they would come to
7 the person who was over that department,
8 as far as a change and doing the change.
9 They would -- The store manager and that
10 manager of that department would talk
11 about it and come to an agreement whether
12 it should be done, why it should be done,
13 or why shouldn't it be done. And that
14 didn't happen with Kenny Reese.

15 The only time he mainly communicated
16 with me, if he wanted us to put up some
17 illegal signs. And then he would state if
18 district staff come into the store,
19 because most of the time we would know
20 when they would come into the store, that
21 we need to snatch them down.

22 Q. Snatch down what?

23 A. The signing. The illegal

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 103

1 signing that he would put up in the
2 departments.

3 Q. So he gave you instructions --

4 A. To take them down.

5 Q. -- to take them down. And
6 what was illegal about them?

7 A. He would -- Like in the
8 dresses department, he would say, save
9 twenty dollars on dresses forty-nine
10 ninety-nine or up. Well, that wasn't per
11 company policy. And I was in charge of
12 Sears advertising and setup, takedowns,
13 markdowns, and markups.

14 And the appliance department, he
15 would remove the sales signing that I
16 would put out per company policy, sales
17 advertising, and he would create a sign or
18 have us to create a sign saying, save;
19 which it was already on sale anyway. So
20 he misled the customer. That's the only
21 time he mainly communicated with me, when
22 it was something that he was doing wrong.

23 Q. When you -- What was the

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 104

1 procedure if there was going to be a store
2 meeting of whether associates or staff,
3 how was -- how did you typically get
4 notice that the store meeting was going to
5 happen?

6 A. They would do mostly on Friday
7 mornings. They would pick up the intercom
8 and say, there will be a storewide meeting
9 in the shoe department. And the
10 associates that were there would come.

11 Q. And would this be before the
12 store opened?

13 A. Before the store opened.

14 Q. So who -- And that's -- So
15 if -- I know she asked you a question here
16 about that, so you would have -- If you
17 were there, you would have known about if
18 they were going to have either a staff
19 meeting or a staff meeting with the sales
20 associates, you would have gotten --

21 A. Exactly. Because, see, not
22 only that -- I mean, Mickey talks about
23 training for the sales associates. Well,

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 105

1 in-store marketing also would have had
2 their own separate training also. And we
3 did not make a practice of communicating
4 well with associates in the store like we
5 should have, the policies or anything.

6 I was there almost, I think,
7 fourteen years before I left, and the
8 handbook that I got when I was hired March
9 13, 1990, that was the only handbook that
10 I received.

11 Q. Like we went over, was -- do
12 they typically have these meetings on
13 Friday, is that --

14 A. Mostly Friday morning, because
15 it was going to the weekend.

16 Q. So that was the typical day
17 you'd have the meetings?

18 A. Exactly. Exactly.

19 Q. And did you typically work on
20 Fridays?

21 A. Yes, I did. Because we had a
22 lot of sales, like the super Saturday
23 sale, we would have to start setting up

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 106

1 the ads by five o'clock on Fridays.

2 Q. So if they had a -- Would you
3 attend the meeting if they had one, if
4 they called over the intercom for the
5 sales associates, did everybody attend
6 those kind of meetings?

7 A. Everybody didn't attend those
8 kind of meetings. But I worked all over
9 the store, so sometimes -- You know, if
10 they would have a meeting, if I'm walking,
11 I could stop. They didn't tell me that I
12 couldn't attend, you know, but I could
13 stop and listen if I had wanted to do
14 that. And then -- And previous store
15 managers, they used to have meetings like
16 that, but they didn't do that when Kenny
17 was there.

18 Q. Didn't do what?

19 A. Have those types of meetings.
20 They didn't. The other store managers was
21 concerned about making money the right
22 way. You know, yes, we used coupons,
23 seldomly; but when Kenny Reese came into

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 107

1 the store, he just really abused the whole
2 system. He abused the company period,
3 from markdowns to expired coupons to not
4 saying anything about coupons being used
5 over and over and over again.

6 Q. Okay. So how many -- Did he
7 have many meetings or who called these
8 meetings on Friday, who --

9 A. Well, sometimes I would get on
10 the intercom and say there would be a
11 storewide meeting in the shoe department;
12 sometimes Byron would get on the intercom
13 and say it.

14 Q. And who would have given you
15 instructions to do that or who was
16 actually going to conduct the meeting?

17 A. Well, if -- Well, mostly -- I
18 tell you who actually -- Kenny Reese
19 talked about sales, he did, and the big
20 events; Byron Mason would talk about
21 credit applications. Or if Kenny Reese
22 wasn't there, Byron would go on and talk
23 about sales, big events, and protection

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 108

1 agreement; you know, where you stood in
2 the area.

3 Nobody was ever concerned about
4 coupons at all. Coupons did not even come
5 up in that discussion. And you would not
6 want just a particular department to know
7 about not to use coupons, you would want
8 the whole store, because the whole store
9 was doing that.

10 But it wasn't a problem in our eyes
11 as management. It wasn't a problem. As
12 long as we was getting sales, it didn't
13 matter. We didn't question them. Loss
14 prevention, Terry Gandy, he had access to
15 anything he want to have access to, so why
16 did he let it go on as long as it did?

17 Q. Was he there on Friday
18 mornings?

19 A. Sometimes he would be.

20 Q. So he knew about these
21 meetings or would hear this --

22 A. Yeah. He knew about the
23 meetings.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 109

1 Q. Did he attend them or do you
2 know?

3 A. Yeah. He was standing out and
4 attend some when he was there and I was
5 there.

6 Q. So you definitely attended
7 some of these meetings?

8 A. Yes, I did.

9 Q. And the ones you attended,
10 there was no discussion --

11 A. No discussion on coupons.

12 Q. -- on coupon use?

13 A. No handbook, nothing.

14 Strictly protection agreement, credit
15 applications, where you stand in your
16 department, and what's going to be the big
17 event from the weekend.

18 Q. And I know you mentioned or it
19 was mentioned here about on this -- when
20 this investigation was occurring, did
21 anybody mention any sales associates or
22 anybody, that you heard, mention about the
23 investigation to you?

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 110

1 A. No. Because I wouldn't know.

2 You know, when you're in an
3 investigation, and you're investigating
4 somebody, actually -- Terry and Kenny
5 Reese would be the two, because Kenny is
6 the store manager. No one else really
7 should even know about the investigation,
8 even management; that should be
9 confidentiality.

10 Q. Did somebody mention to you,
11 one of the sales associates in appliances,
12 mention -- or they had knowledge about the
13 -- of an investigation that occurred or
14 was happening or right after it was over,
15 any of the white associates?

16 A. Well, the only thing was I had
17 heard that -- but, you know, nobody -- I
18 had heard, but not from that associate,
19 but Carolyn Landers had stated and this
20 came, you know, from someone that was
21 inside of the store after that, that she
22 was being -- that John told her she was
23 being investigated on. But I can't -- You

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 111

1 know, I don't have no proof of that.

2 Q. She seemed to have some
3 knowledge about --

4 A. That she was being
5 investigated.

6 Q. You said John, she had gotten
7 that information --

8 A. From John -- From John Lowery.

9 Q. Lowery. And this was Carolyn
10 Landers?

11 A. Yes. But I wasn't there.
12 This is -- I'm just a third party.

13 But, you know, my thing was, why
14 would she know that she's being
15 investigated? She's not supposed to know.

16 Q. That information shouldn't
17 have ever really gotten out is what you're
18 saying?

19 A. It shouldn't have gotten out.
20 She may have just told somebody.

21 Q. Who was Lisa -- You mentioned
22 a Lisa Lipp?

23 A. Leatha Lipp.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 112

1 Q. Excuse me, Leatha Lipp. Who
2 was that?

3 A. Now, she retired from the
4 company, but she was the loss prevention
5 manager when she retired from the company.

6 Q. And when did she retire?

7 A. It could have been -- I'm
8 thinking maybe in 2003 she retired. I
9 don't know the exact month. I know Roy
10 Treadwell was the store manager when she
11 retired.

12 Q. When she was there, how were
13 coupons being used?

14 A. People -- The associates would
15 use coupons out of the drawer, we would
16 still pull coupons out the drawer, but it
17 was nothing in -- like Kenny Reese had us
18 doing. And it wasn't very often, you
19 know, that it was done. Because I'm
20 assuming she checked her reports.

21 Q. All right.

22 A. You know, a customer might
23 come in and say, I forgot my coupon, you

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 113

1 know, and we would let them use a coupon
2 because we would have extra coming in from
3 the advertisement that we would get in the
4 store.

5 Q. But there were extra coupons
6 at that time?

7 A. Right. Exactly. It was extra
8 coupons.

9 Q. And so she was -- Did Terry
10 Gandy take her place?

11 A. Yes.

12 And Terry Gandy actually worked for
13 Leatha, he did. And when she left, he
14 just stepped right on in.

15 Q. He then was moved up?

16 A. Yeah.

17 Q. Okay.

18 To your knowledge, did they ever
19 have while you were there -- I know it was
20 mentioned, something about an annual
21 meeting, was there any -- Kenny Reese --

22 A. Now, this was before Kenny
23 came, the company used to have maybe once

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 114

1 a year, a storewide meeting for the entire
2 store on like a early Sunday morning; they
3 would go over different training. But
4 coupons never came up in that training
5 also. But they would just go to the new
6 structure that Sears is going to do or if
7 it was something new that Sears -- a new
8 event that Sears was coming out with, we
9 discuss that; we would discuss about
10 associates being to work on time.

11 Q. So would you get prior
12 notification of this kind of meeting?

13 A. Yes. They would post a note
14 and say it's mandatory.

15 Q. Did you ever see such a note
16 posted while Kenny Reese was the store
17 manager?

18 A. No. No.

19 Q. I know you've been asked about
20 your declaration, is this everything that
21 you know. This doesn't -- does not relate
22 everything that happened while you were at
23 the store for fourteen years, does it?

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 115

1 A. No. No.

2 MR. MCINTYRE: I guess that's
3 all at this moment. If you've got your
4 stuff composed.

5 MS. HEMSTREET: I do.

6 EXAMINATION CONTINUED

7 BY MS. HEMSTREET:

8 Q. Do you know who made the
9 decision to terminate Ms. Smith and
10 Ms. Willis?

11 A. No, I don't. I didn't even
12 get into who made the decision.

13 All I know that Kenny Reese --

14 Q. You don't know who made the
15 decision --

16 A. Terminated them, yeah. I
17 don't know who made the decision, but
18 evidently Kenny Reese, by him being the
19 store manager, he had to talk to them and
20 let them go as far as my concern. I mean,
21 I don't know.

22 Q. You don't know for sure?

23 A. Huh-uh (negative response).

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 116

1 Q. Is that no? Just to verbalize
2 for her.

3 A. To what?

4 Q. Is that a no?

5 A. I don't know -- I do know that
6 you're supposed to call the social service
7 center.

8 Q. But what I'm asking you, do
9 you know who made the decision to
10 terminate --

11 A. I don't know who made -- If it
12 was associate service center or Kenny
13 Reese. But I do know being in that store,
14 when you're terminated, the store manager
15 normally does it unless you're a salary
16 manager.

17 Q. Now, your understanding, the
18 reason that they were terminated is
19 because they used coupons out of the
20 drawer, that's your understanding; is that
21 right?

22 A. My understanding what was
23 told, they reused coupons.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 117

1 Q. Who told you that?

2 A. When I was talking to Byron
3 Mason when he called, he said misuse of
4 coupons, reuse coupons.

5 Q. Okay.

6 A. When he called me off Denise's
7 cell phone.

8 Q. Now, you said that the only
9 handbook you received was the one that you
10 first got when you became employed; is
11 that right?

12 A. Right.

13 Q. But y'all had online training
14 after that; is that correct?

15 A. We had online training. But
16 let me tell you with the online training,
17 that wasn't done --

18 Q. Did you have online training?

19 A. Yes, I had some online
20 training.

21 Q. Was it your responsibility to
22 do the online training?

23 A. It was supposed to have been

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 118

1 my responsibility. But sometimes the
2 human resource manager would get the
3 associate number or either the manager in
4 that department would get the associate
5 identification number and do the training
6 for them.

7 Q. So you can log onto the
8 computer and do the training on your own
9 time; is that correct?

10 A. On your own time?

11 Q. Like it's made available to
12 you and you can go into the computer and
13 do the online training; is that right?

14 A. You can go into the computer
15 and do the online training. But you
16 didn't come in on your own time. You
17 would have to be -- You're supposed to be
18 scheduled time.

19 Q. I see. You sign up for it?

20 A. No. The manager is supposed
21 to schedule the time for you to go ahead
22 and do your training. But that didn't
23 always work. Sometimes they would go in

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 119

1 the computer and do the training for the
2 associate.

3 Q. Did you ever -- In these
4 meetings, I know you said -- you claim
5 that the meetings that you attended there
6 weren't any discussions about coupons.

7 A. Right.

8 Q. Were there ever any
9 discussions about unauthorized discounts?

10 A. No. No. No.

11 Q. Not in the meetings that you
12 attended?

13 A. No.

14 Q. Now, coupons you said under
15 Leatha Lipp, there were coupons used out
16 of the drawer; is that right?

17 A. I said it may have been some
18 coupons that was used out of the drawer,
19 but it couldn't have been often.

20 Q. What about under Lewis
21 Collins, did y'all use coupons out of the
22 drawer then?

23 A. One thing about Lewis Collins,

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 120

1 he did not --

2 Q. Did you use coupons?

3 A. No, I didn't. No, I did not.

4 Q. Do you know if other
5 associates did?

6 A. No. No.

7 Q. You don't know if they did?

8 A. I don't know whether they did
9 or not. I know I didn't.

10 Q. What about under Newton, do
11 you know --

12 A. Greg Newton?

13 Q. Yeah, Greg Newton.

14 A. Yes, we did use coupons out of
15 the drawer.

16 Q. What about Roy Treadwell, did
17 you use coupons out of the drawer then?

18 A. I don't think I've used any
19 coupons out of the drawer when Roy was
20 there, no.

21 Q. Did you ever see anyone in the
22 appliance department use a
23 sixty-five-dollar coupon?

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 121

1 A. No.

2 Q. Now, you said that Kenny Reese
3 would have you make copies of --

4 A. Expired coupons.

5 Q. -- expired coupons?

6 A. Yes.

7 Q. Do you know if anyone ever
8 used these expired coupons?

9 A. Yeah, they used them. I even
10 used them.

11 Q. Now, when you scan it in
12 though, they come up they won't go
13 through, that's my understanding, right,
14 because they're expired; is that right?

15 A. They're not supposed to go
16 through. Sometimes they will go through.

17 And then if it didn't take, all you
18 have to do is manually input the number
19 and it definitely will take then.

20 Q. So you would just input the
21 number --

22 A. You could manually input the
23 number.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 122

1 Q. Do you know what the
2 circumstances were as to what -- Did he
3 tell you why he was having you copy these
4 coupons?

5 A. Because he wanted to drive
6 sales.

7 Q. Is that what he told you?

8 A. Yes. He wanted to drive
9 sales.

10 Q. Do you know if he had
11 permission from corporate to do this?

12 A. No, he didn't have permission
13 because --

14 Q. Do you know if he did?

15 A. No, he didn't.

16 And the reason I know he didn't have
17 permission, because that was one of the
18 things also he would say if the district
19 staff come into the store, remove them.
20 So he was well aware that we wasn't
21 supposed to do it anyway.

22 Q. Now, do you know if he put
23 these coupons to help correct errors in

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 123

1 the cash system?

2 A. No. No. No.

3 Q. You don't know if he did or
4 not?

5 A. That wasn't what he used it
6 for. Because I was one of them that he
7 had putting out the coupons.

8 He was strictly using it to try to
9 drive sales.

10 Q. But it wouldn't go through, is
11 that right, when it would ring up if it
12 was expired; is that right?

13 A. No. If you scan the bar, if
14 it comes up saying expired, you can
15 manually input it, and it will go through.
16 And if it didn't go through then, you know
17 who they would call? A manager on duty.
18 And we would put our approval code, which
19 was our social security number.

20 Q. And the manager had the
21 authority to then approve --

22 A. He gave us the authority to do
23 it.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 124

1 Q. He gave you -- He would have
2 the ability to approve that transaction;
3 is that right?

4 A. He gave us the -- He empowered
5 us to do it.

6 Q. Do you know if Kenny Reese or
7 any other managers put any
8 sixty-five-dollar service coupons by the
9 register?

10 A. I didn't do it. I didn't put
11 any by the register.

12 Q. Do you know if anybody did?

13 A. I don't know whether he did or
14 not. It wouldn't surprise me if he did.

15 Q. Do you know if he did?

16 A. No. But it wouldn't surprise
17 me either. He did everything else that
18 was wrong in the book.

19 MS. HEMSTREET: I think that's
20 about all I've got, Robin.

21 MR. MCINTYRE: I've got one.

22 EXAMINATION CONTINUED

23 BY MR. MCINTYRE:

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 125

1 Q. You mentioned sometimes the
2 manager did the training. What did you
3 mean by that?

4 A. Well, when we went -- Well,
5 the system -- Like she said, you can go in
6 the computer and do training. We're
7 actually supposed to, on the schedule,
8 schedule time for our associates to go
9 back there and do training, and then
10 schedule other people in for floor
11 coverage. Well, that didn't happen. Just
12 like any other thing, it didn't happen.

13 So we would sometimes, because the
14 company would send email saying, well,
15 whatever department was at a hundred --
16 whether you was at a hundred percent of
17 your training or not. Okay, before that
18 time would come, we would get the
19 information that we need to go in the
20 computer and do our associate's training,
21 we would do that. Management did training
22 for associates in the system, which it was
23 wrong, but we did it.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 126

1 Q. You mean you-all just clicked
2 through whatever they were supposed to go
3 over -- the manager just went in there and
4 it appeared that it was the associate
5 doing it --

6 A. Exactly.

7 Q. -- but the manager really just
8 clicked through it, and it updated that
9 sales associate's training --

10 A. Right.

11 Q. -- program. And really in
12 reality, the sales associate never even
13 was there?

14 A. Right. Right.

15 Q. And this was purely because
16 they had some schedule that they would
17 look at, well, have all the sales
18 associates in that area gotten their
19 training then by a certain date?

20 A. Yeah. They would email --
21 They would email the stores and say, well,
22 you're at a hundred percent of your
23 training on whatever training it was or

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 127

1 you're at fifty percent. Well, you know,
2 by going out to -- You know, from the
3 company, we didn't want to look bad, so we
4 did whatever we could do to look good.
5 Just like coupons, we did that to drive
6 sales because we didn't want to be at the
7 bottom line, we wanted to be up there.

8 Q. Okay.

9 EXAMINATION CONTINUED

10 BY MS. HEMSTREET:

11 Q. Did you ever do that?

12 A. Yeah. I sure did.

13 Q. Did you ever see Terry Gandy
14 or Kenny Reese do that?

15 A. No. Because on that side, I
16 don't even think anybody actually did
17 training. I know my people didn't do
18 training. And when Kenny Reese was there,
19 I didn't go back and do all of my people's
20 training because he didn't enforce that.

21 Q. So you don't know --

22 A. But Nina Fitzwater did it.

23 Nina Fitzwater did it, I know she did it.

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 128

1 Q. Do you know if John Lowrey
2 filled out the training for his people?

3 A. No. No. But you know what,
4 they're commission sales people, and I
5 guarantee you they didn't leave the floor
6 to do some training. I guarantee that.
7 Because they was on a commission versus
8 draw, they had to sell to make money.

9 Q. Straight commission; is that
10 correct?

11 A. Yeah. They had to sell to
12 make money.

13 Q. The more sales you make the
14 more money --

15 A. The more money you make.

16 Q. So it's your benefit to close
17 sales and get more sales; is that right?

18 A. Exactly.

19 MS. HEMSTREET: That's all I've
20 got.

21 MR. MCINTYRE: Okay.

22 (The deposition of Shannon Bryant was
23 concluded at 3:20 p.m. on September 6,

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
Court Reporting * Legal Videography * Trial Services

Page 129

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C E R T I F I C A T E

1
2 STATE OF ALABAMA)

3 COUNTY OF JEFFERSON)
4

5 I hereby certify that the
6 above and foregoing proceeding was taken . . .
7 down by me by stenographic means, and that
8 the content herein was produced in
9 transcript form by computer aid under my
10 supervision, and that the foregoing
11 represents, to the best of my ability, a
12 true and correct transcript of the
13 proceedings occurring on said date at said
14 time.

15 I further certify that I am
16 neither of counsel nor of kin to the
17 parties to the action; nor am I in anywise
18 interested in the result of said case.

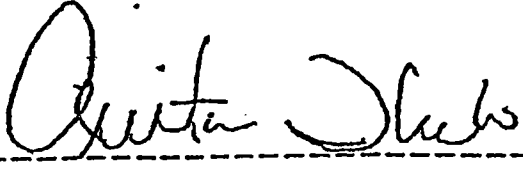
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